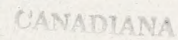


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ALBERTA LABOUR RELATIONS BOARD

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Andrew G.L. Sims, C.C.

Chair, Alberta Labour Relations Board

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■ MESSAGE FROM THE CHAIR ■

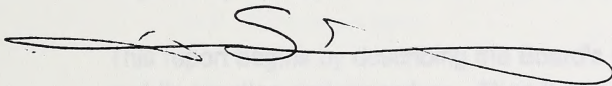
This is the third annual report of the Alberta Labour Relations Board. It covers the fiscal year April 1, 1991 to March 31, 1992.

The Labour Relations Board's responsibility is to provide fair, impartial and efficient resolution of applications and disputes brought to it under the Labour Relations Code. The Board's approach is to encourage settlement wherever possible, while providing clear, consistent and timely adjudication when necessary.

There were no legislative changes to the Board's mandate or to the provision of the Labour Relations Code during the reporting period. The number of applications and disputes brought to the Board remained stable. We continued to explore ways of improving its service to the community. At the same time, we continued to emphasize the importance of parties to collective bargaining relationships resolving differences by open discussion and by agreement.

The Board's membership comes from the Labour Relations community. All members take time from their other labour relations pursuits to serve on the Board by hearing cases and setting Board policies. This report provides an opportunity to thank the Board's members for their important contribution to the province. At the same time, we recognize the commitment of the employers, trade unions and other organizations for whom the members work. These organizations give our Board the flexibility and support that allows them to carry out this very important duty.

We hope this Annual Report gives its readers some useful information on the workings of the Labour Relations Code and of the Labour Relations Board.



Andrew C.L. Sims, Q.C.
Chair, Alberta Labour Relations Board

■ **INTRODUCTORY COMMENTS** ■

The Labour Relations Code governs the labour relations of about 200,000 unionized employees representing three-quarters of all unionized employees in the province. It excludes employers and employees in the provincial government, farm or ranch labour and domestic work. It excludes industries falling under federal jurisdiction. The Code does not cover self-employed workers. Some other employees in Alberta have their labour relations governed entirely by special acts, such as the Colleges Act and the Technical Institutes Act, or partially so, as is the case under the Police Officers Collective Bargaining Act and the School Act.

The Code also excludes people who, in the Board's view, exercise managerial functions or who are employed in a confidential capacity in matters related to labour relations. It does not apply to doctors, dentists, architects, engineers, and lawyers while employed in their professional capacities.

The Code contains provisions outlining the rights and responsibilities of employers, trade unions, and employees in labour relations.

Employees have the right to seek collective bargaining with their employers. The Labour Relations Code guarantees this right and establishes a framework for employees to make this choice freely. The Code describes how a trade union bargains with an employer over terms and conditions of employment to arrive at a collective agreement. Rules of fair play govern trade unions, employers, and employees in their labour relations activities.

The Alberta Labour Relations Board, an independent and impartial tribunal, is responsible for the day-to-day application and interpretation of these rules. It also processes the various applications required by the Code.

This report begins by describing the Board's facilities, its members, staff, publications, hearings, and its practice and procedure. Then it reviews the following areas of statutory responsibility:

Trade Unions and Employers' Organizations

Certification and Voluntary Recognition

Modification and Revocation of Bargaining Rights

The Collective Bargaining Process

Strikes, Lockouts and Picketing

Collective Agreement Arbitration

Prohibited Practices
The Construction Industry

The report then summarizes judicial review activity during the reporting period.

The commentary throughout describes the Board's case-load experience during the period, drawing on the more detailed statistics found in the various Tables. The commentary includes leading cases and other important developments.

The report concludes with a series of detailed statistical tables. These tables begin with a brief description of the statistical conventions used throughout this report.

This report presumes a basic understanding of the Board's mandate and the provisions of the Alberta Labour Relations Code. Those wishing further information on these matters should review the various Board publications described on pages 9 and 10.

■ **BOARD FACILITIES** ■

◆ **MEMBERSHIP**

The Board includes the Chair, three Vice-Chairs, and 22 part-time members. The Lieutenant Governor in Council appoints members for their experience and knowledge of labour relations, giving equal representation to labour and management.

The Board began this reporting period with the following members:

CHAIR: Andrew C.L. Sims, Q.C.

VICE-CHAIRS: William Canning, A. Keith Aldridge, Gerald A. Lucas, Q.C.

MEMBERS:

Zale Asbell	Lesley-Anne Haag	Jack Murray
Scott Boyd	Mike Halpen	Donna Neumann
Raymond Drisdelle	Ken Kreklewetz	Lynn Parmenter
Shelley Ewart-Johnson	Frank Kuzemski	Larry Schell
David Fagan	Normand Leclaire	Clifford Williams
Lynda Flannery	Angus MacDonald	Kay Willekes
Judy Gulayets	Douglas Mitchell	

During the reporting period, the Lieutenant Governor in Council appointed the following individuals to the Board:

- Mr. Ken Jones, a business agent with Local 496 of the Plumbing and Pipefitting Union from Calgary, Alberta.
- Mr. Robin Campbell, a Union Secretary with the United Mineworkers of America, from Jasper, Alberta.
- Mr. Gerald Patterson, a Union Representative with the Canadian Union of Public Employees from Calgary, Alberta.

Some Board members' resigned from the Board to pursue other activities; the terms of others expired. These members were:

- Ms. Lynn Parmenter
- Mr. Ken Kreklewetz
- Ms. Shelley Ewart-Johnson
- Mr. Jack Murray
- Mr. David Fagan

The Board thanks these members for their valuable contribution to the Board's activities.

In June of 1991, William (Bill) Canning left the Board after many years of service, first as a Board Officer, then as Registrar, then Secretary and, since 1980, as a Vice-Chair. He now serves the Province as a member of the Workers' Compensation Appeals Tribunal.

Vice-Chair Keith Aldridge's five-year term came to an end in December, 1991. The Board recognizes the important contribution made by both Bill Canning and Keith Aldridge to the Board during their years of service.

The Board was fortunate in securing two new Vice-Chairs during 1991, first on a part-time basis, then subsequently on a full-time basis. They are:

- Ms. Deborah Howes who, before her appointment, practised labour law with the firm of Duncan & Craig. A former freelance labour relations consultant, she also worked as a business representative for a major Alberta trade union.
- Mr. Mark Asbell, formally with the firm of Ackroyd, Piasta, Roth and Day, where he provided representation and consultation on all aspects of labour relations, including collective bargaining and related hearings before the Canada and Alberta Labour Relations Boards.

◆ OFFICES AND STAFF

The Board has 27 staff, divided between its Edmonton and Calgary offices. This includes the Chair, Andrew L. Sims, Q.C. and Vice-Chairs, Mark Asbell and Deborah Howes. The Board has two solicitors, Les Wallace and Sarah FitzGerald, who also serve as solicitors to the Alberta Human Rights Commission.

The Board divided its operations into case settlement functions under the Director of Settlement, Dennis Bykowski, and administrative functions under Janice Smith, Director of Administration. The Director of Settlement's office includes Jim Jung, Calgary Manager.

The Board also uses 28 Deputy Returning Officers situated throughout the Province, each with several polling clerks. These persons give the Board the capacity to respond to applications and conduct votes anywhere in the Province within very short time frames. Each Returning Officer can serve documents, post notices and conduct votes on the Board's behalf.

The Board receives applications in its Edmonton and Calgary offices. In this reporting period, the Board received a total of 964 matters and concluded 989. Of these, the Edmonton office processed 684 (69%) and the Calgary office 305 (31%).

◆ HEARINGS

The Board sits in panels of three and sometimes five members, with a Chair or Vice-Chair in each case. Most hearings take place in Edmonton or Calgary. However, in appropriate cases, the Board holds hearings in the location closest to the workplace. In this reporting period, panels also sat in Red Deer, Lloydminster and Medicine Hat.

During this reporting period, the Board conducted 480 hearings. There may be several panels sitting on one day, and each panel may hear more than one case. A panel day is one panel sitting for a day for one or more cases. In total, there were 232 panel days during the reporting period. This compares to 556 hearings, involving 282 panel days, during the previous reporting year.

◆ PUBLICATIONS

The Board believes its decisions and policies must be accessible and understandable. It publishes them in the following ways:

Information Bulletins

Information Bulletins are available to the public free of charge. Twenty-three bulletins outline the Board's policies and procedures on topics like filing applications, standard bargaining unit descriptions, and strikes and lockouts.

Practitioner's Manual

The Practitioner's Manual includes an annotated Labour Relations Code, all Information Bulletins and Rules, the Guide to the Code, and other useful information. Subscriptions include regular quarterly updates and are available from the Legal Education Society of Alberta, #2005, 10201 - Jasper Avenue, Edmonton, Alberta, T5J 3N7. Telephone (403) 420-1987.

Alberta Labour Relations Board Reports

This is a subscription service published by the Legal Education Society of Alberta. Each year's service includes a case table, and the full text of all Alberta Labour Relations Board and related Court decisions. It also includes case headnotes, keyword/subject indexes and updates on Court challenges to Board decisions. Subscriptions are available from the Legal Education Society of Alberta.

Board decisions issued since 1952 are on file at the Labour Information Services Branch, Room 302A, 10808 - 99 Avenue, Edmonton, Alberta, T5K 0G5. They are also on file at the Law Libraries of the Universities of Calgary and Alberta and the Courthouse Libraries in Calgary and Edmonton.

Quick Law On-Line Full-Text Decisions

The Quick Law on-line database service gives computer access to the full text of all Board decisions issued since 1986. Quick Law also has on-line access to the full index of Board decisions, including case summaries.

Alberta Labour Relations Board Decisions Index

This is a subscription service published by the Legal Education Society of Alberta. Indexes provide access to all Board and related Court decisions. They contain four sections: parties, section of the Code, subject, and date. Entries contain the following information: parties, Board file number, section of Code, subject, date of decision, appeal status, Chair, summary, and citation.

The three available indexes cover cases under the Alberta Labour Act, the Labour Relations Act, and the Labour Relations Code. They are available from the Legal Education Society of Alberta, #2005, 10201 - Jasper Avenue, Edmonton, Alberta, T5J 3N7. Telephone (403) 420-1987.

Annual Reports

This is the Board's third annual report. For additional copies of this report, or of the first two annual reports, write or call the Board at #503, 10808 - 99 Avenue, Edmonton, Alberta, T5K 0G5, phone (403) 427-8547 or toll-free at 1-800-463-ALRB (2572).

■ BOARD PRACTICE AND PROCEDURES ■

The Board made no major changes in its practice and procedure during the reporting year. However, several cases dealt with important procedural issues.

The Board reviewed the basis on which it would grant a stay of proceedings pending judicial review in *Teamsters Local 987 v. N.A.D.P. et al #2*, [1991] Alta.L.R.B.R. 159. Following the sale of one dairy to another, the Board ordered a run-off vote between the two incumbent trade unions. The losing union sought judicial review, and applied to stay the Board's order until the Court heard its motion. The Board found that the Court application did not automatically stay the Board's process. The Court could order a stay, and so could the Board, in suitable circumstances. In considering whether to grant a stay, the Board assessed the quality of the applicant's case, the likelihood of irreparable harm, and the balance of convenience between the parties.

In assessing the merits of the judicial review application, the Board noted that its decision was final unless found to be patently unreasonable. Irreparable harm means harm that cannot be dealt with by damages or through the collective bargaining process. The Board listed four factors in assessing the balance of convenience. They were the tripartite nature of the collective bargaining relationship, the fact that time is often of the essence in labour matters, the relationship between the parties in collective bargaining, and the public interest in avoiding illegal work disruptions caused by freezing the labour relations status quo.

The Board does not transcribe or tape its proceedings. In the Board's view, any advantage of doing so is outweighed by the advantages of maintaining a forum favourable to dispute resolution. The Court of Queen's Bench upheld the Board's practice of not taping or transcribing its proceedings. The Court said this did not compromise the right to a fair hearing nor did it violate the Charter. The Court also found that Board members' notes taken during a hearing were personal, and not transcripts available as part of the Board's record. See: *IBEW Local 1007 v. Alberta Labour Relations Board et al* [1991] Alta.L.R.B.R. 561.

The Board reaffirmed its use of the "prime function" test to determine an employee's bargaining unit allocation and eligibility to vote on a construction industry matter. The Board will decide an employee's bargaining unit allocation using a prime function test looked at on and around the day in question. It does not use a "snap-shot" look, based solely on the employee's assigned duties on that given day. See: *Brauns Construction Ltd. v. Construction and General Workers Union Local 92*, [1992] Alta.L.R.B.R. 10.

When an Alberta based union dispatches employees to work in the Northwest Territories, does a duty of fair representation complaint fall under the Alberta Board's jurisdiction, or that of the Canada Labour Relations Board? The Alberta Board held that jurisdiction lay exclusively with the Canada Board. The Canada Labour Code governed the relevant collective agreement and the work itself fell within federal jurisdiction. See: *Robert Breckenridge et al v. Teamsters Local 362*, [1992] Alta.L.R.B.R. 69.

Several cases concerned the Board's voting procedures. The prevalence of ballot disputes has prompted a review of the Board's procedures in this area.

The Alberta Court of Appeal upheld the Board's ruling on the meaning of "ballots cast" in Board votes in *Airtex Manufacturing Partnership v. U.F.C.W. Local 421P et al* [1991], Alta.L.R.B.R. 374. Ballots cast, for determining a majority, means ballots effectively cast, which excludes spoiled ballots.

In *Contact Construction Ltd. v. Construction and General Workers Union Local 1111* [1991] Alta.L.R.B.R. 583 the Board held a single vote in favour of the Union amounted to "a majority of votes cast" and justified certification. In *Construction and General Workers Union Local 92 v. Brauns Construction*, [1991] Alta.L.R.B.R. 838 the Board rejected a ballot as spoiled because the voter had written obscenities on that ballot. These marks made the ballot identifiable and were in clear violation of the voting instructions.

In *C.U.P.E., Local 1031 v. The Good Samaritan Society* [1992] Alta.L.R.B.R. 116 the Board ruled that potentially partisan and derogatory remarks made to a Union scrutineer at a polling station did not violate the Board's electioneering ban set out in Rule 3. While such conduct could amount to electioneering, the remarks in this case did not. They were not directed to, nor heard by, the employees. Signing the scrutineers' certificate did not bar a timely electioneering complaint. Signing a scrutineers' certificate may bar objections to the eligibility of particular voters.

A reconsideration application in *Propak Systems Ltd. v. U.A. Local 488* gave the Board an opportunity to review its mail-in vote procedures. In particular, the Board outlined the procedural protections necessary to keep it a secret ballot vote.

Section 11(4) allows the Board to reconsider its own decisions. During the year, the Board concluded 24 review-type reconsiderations. Of those, one was adjourned sine die, 16 declined, three decisions varied, two revoked, and two affirmed following reconsideration.

Section 11(3) allows the Board to decide a wide variety of specific questions, for example, whether a person is an employee or falls within a bargaining unit. During the reporting period, the Board concluded 155 such determinations. The applicants withdrew 15 applications, a further six were incomplete, and one was adjourned sine die. Board intervention settled 38 cases, and an informal section 10 hearing resolved one. The Board made 29 determinations in favour of the applicant's position and 65 in favour of the respondent's position.

A School Board asked the Board to decide whether the Code's managerial exclusions removed 228 school principals and related staff from a teachers' bargaining unit. The Board ruled that the School Act governed the question by statutorily including all teachers within the bargaining unit unless the parties negotiated something else. The specific School Act provision convinced the Board that it had no jurisdiction to superimpose the Code's definition of employee upon these specific provisions. On judicial review, the Court of Queen's Bench quashed the Board's ruling, and the Alberta Teachers' Association appealed. The case remained outstanding before the Court of Appeal at the end of the reporting period. See: *Edmonton Public School Board v. A.T.A.* [1991] Alta.L.R.B.R. 463 and [1991] Alta.L.R.B.R. 724.

Board orders can be filed in the Court of Queen's Bench. This makes them enforceable in the same way as Court orders. The Board received six such requests. Four involved construction industry cease and desist orders, all of which the Board granted. One request was dismissed and one other settled through Board intervention.

■ AREAS OF STATUTORY RESPONSIBILITY ■

◆ TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS

A cornerstone of the Labour Relations Code is the right of employees to be members of trade unions and to participate in their lawful activities (section 19). However, the Code only partially regulates trade unions themselves. Many aspects of the relationship between a union and the people it represents are internal union matters.

Organizations seeking certification under the Code must meet certain basic conditions and satisfy the Code's filing requirements. The Trade Union Records Officer supervises all trade union filings and maintains the Board's trade union registry.

TRADE UNION FILINGS

At April 1, 1992	Active	Inactive
Parent Trade Unions	227	219
Local Trade Unions	899	301

Any trade union seeking certification must have its constitution on file for 60 days. A union seeking its first certification must prove its trade union status. After that, it is presumed to be a trade union unless a party proves otherwise.

The Board reviewed the statutory requirements an organization must meet to be a trade union under the Code in *Construction and General Workers Local 1111 et al v. Sie-Mac Pipeline Contractors Ltd. et al* [1991] Alta.L.R.B.R. 847. In the same decision, the Board reviewed the need for a trade union to be representative of employees before it can function as a bargaining agent.

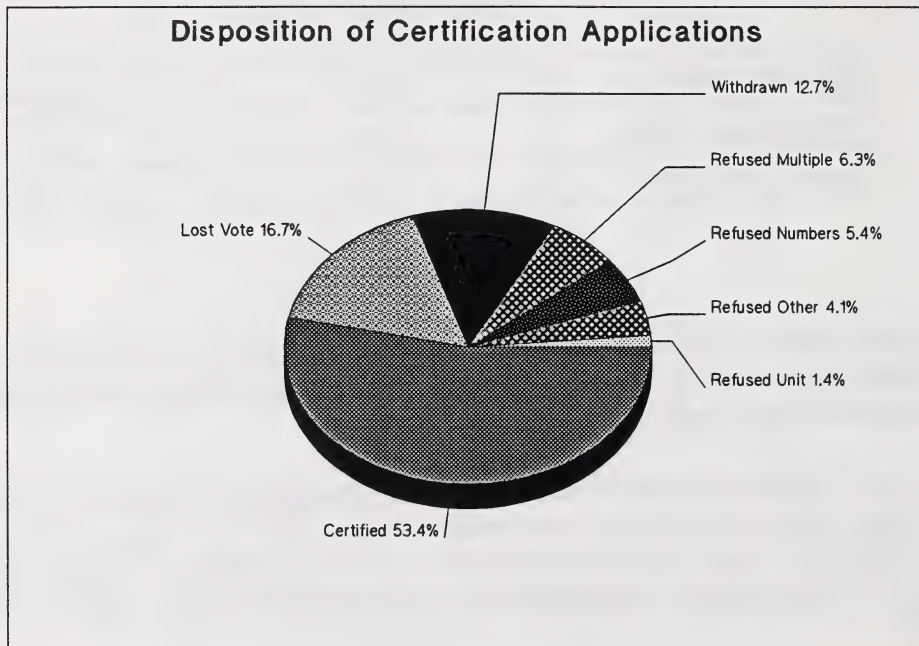
Section 27(2) of the Code allows people with religious objections an exemption from Union security provisions. The Board discussed the difference between views motivated by religious

beliefs and views of a more secular nature in *Rossler v. C.A.W. Canada* [1991] Alta.L.R.B.R. 485. The Board denied the exemption in this case, finding the employee's beliefs were not predominantly religious in nature.

◆ CERTIFICATION AND VOLUNTARY RECOGNITION

The Board processed 221 certification applications during the year. The Code allows applicant trade unions a representation vote where they show 40% employee support within the proposed bargaining unit. Of the 155 that went to vote 118 (76%) achieved certification. This number is similar to the two prior years - 116 (72%) in 1989-1990 and 134 (77%) in 1990-1991.

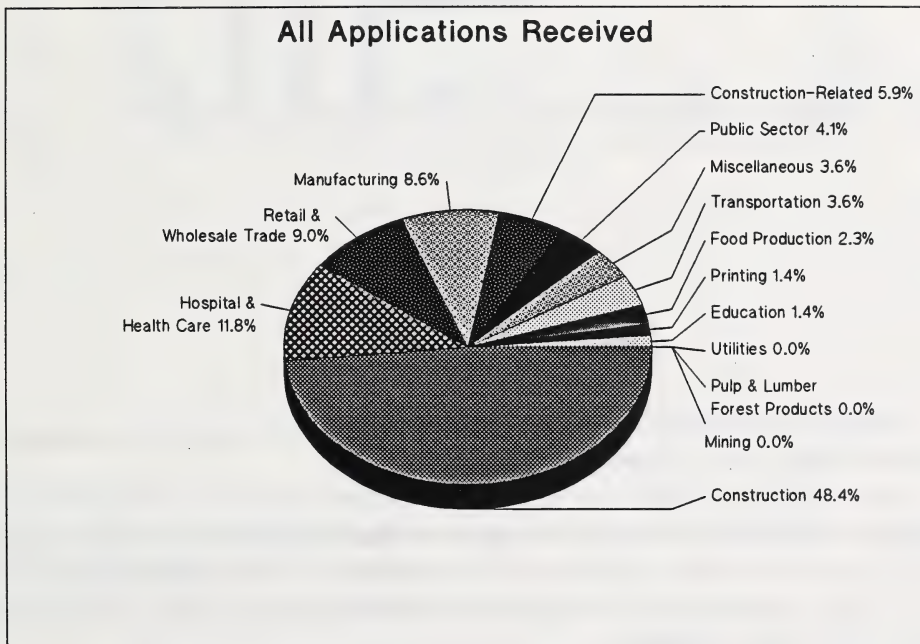
The next chart shows the ways the Board disposed of certifications this year. The percentages show no significant differences from last year's breakdown.

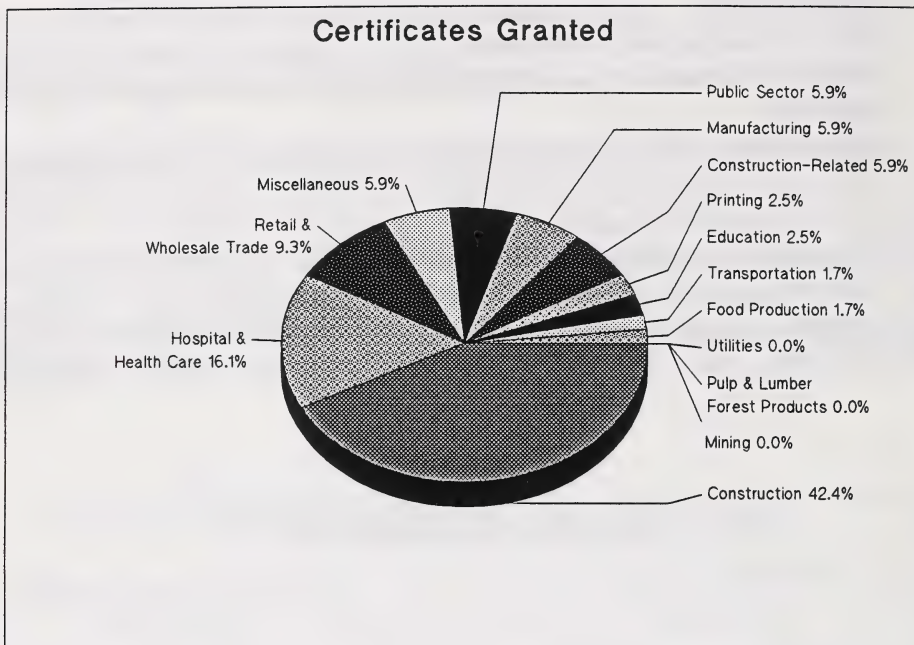


In this chart:

- **Refused Numbers:** means the applicant lacked the initial 40% support.
- **Refused Multiple:** means the applicant lost one of two parallel applications, for example, where the Union applied for two different named employers intending only to certify one.
- **Refused Unit:** refers to those where the bargaining unit proved inappropriate for collective bargaining.
- **Refused Other:** covers all other cases that did not involve a representation vote.

The Board classifies applications into the Industry Types set out in Table 4 at the end of this report. Table 3 breaks down the year's certification applications by industry. The following charts give a simplified version of this breakdown. The first covers all applications received, the second, certificates granted. Again, there is little significant difference from last year's breakdown.

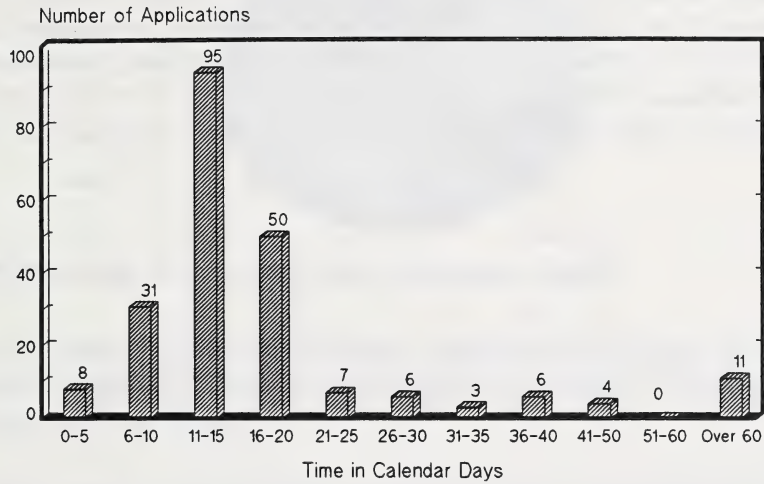




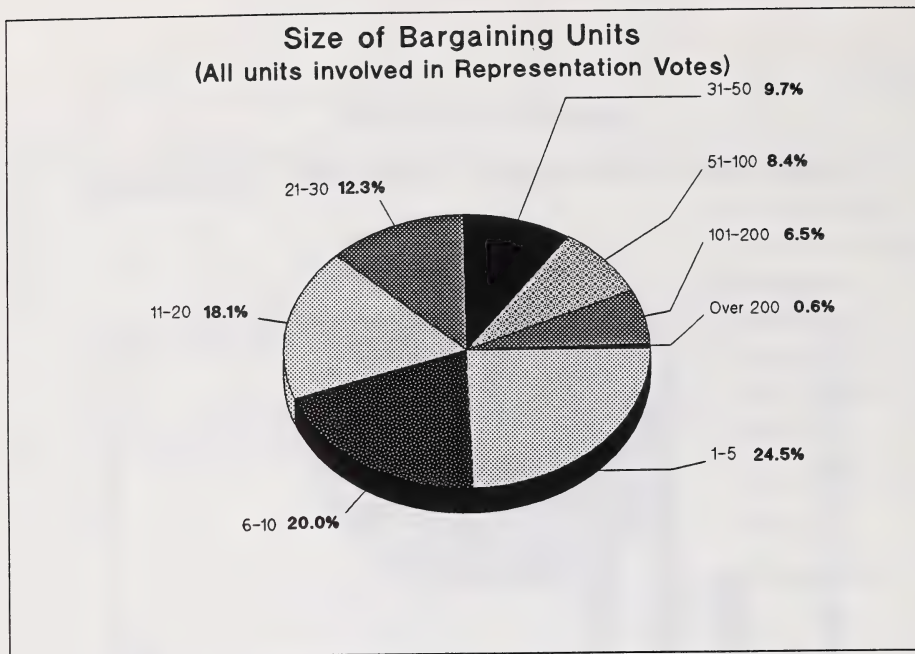
Of the 221 certification applications concluded in this period, the Edmonton office processed 144 (65%) and the Calgary office 77 (35%).

It took an average of 21 calendar days to conclude a certification application during this reporting period. An important factor in the time taken for certifications is the representation vote. A significant number of cases required a mail-in vote which takes an extra 14 days. The averages quoted above include these situations.

Time Taken to Conclude Certification Applications



The bargaining units trade unions applied for varied in size from two employee units to a unit of over 377 employees. The following table illustrates the size of units involved in representation votes over this period.



As in the previous period, a high percentage of employees participated in representation votes. In 34% of the representation votes held, the Board experienced 100% employee turnout. Overall, the average turnout was 83.1%.

A party questioned the clarity of a certification petition in *United Steelworkers of America, Local 8931 v. Shaw Pipe et al.* [1991] Alta.L.R.B.R. 552. The heading on the petition referred to support for "successor rights and/or certification." The Board held that employees would understand that, either way, signing the petition meant supporting union representation.

In *Teamsters, Local 987 v. N.A.D.P. et al.* [1991] Alta.L.R.B.R. 172, a party asked the Board to dismiss a certification application as untimely. The applicant union had recently lost its certificate due to a merger of two employers. The Board found that a revocation caused by a merger did not create a time bar under s. 52(2)(c).

In *Construction and General Workers Local 1111 et al. and Sie Mac Pipeline Contractors Ltd. et al.* [1991] Alta.L.R.B.R. 847, several unions sought certification despite the employer and another union claiming to have a valid collective agreement. They entered this "wall-to-wall" multi-trade agreement through voluntary recognition. It would have created a time bar had it been valid. The Board found the agreement invalid because the union was not a bargaining agent. It did not represent the employees in any real sense. In addition, the Board found that s. 131 applied. The agreement was void because the union was dominated or influenced by the employer.

Few cases raised substantive bargaining unit appropriateness questions. In *Plumbers and Pipefitters, Local 496 v. Goodyear Canada Inc.* [1992] Alta.L.R.B.R. 89, the Board affirmed its view that it is normally inappropriate to carve out a small craft maintenance employees unit from a larger production employees unit. In *General Teamsters, Local 362 v. Burnco Rock Products Ltd.* [1991] Alta.L.R.B.R. 99, the Board refused to certify five separate localities in one unit when they operated independently of each other and were previously certified on a location-by-location basis.

◆ **MODIFICATION AND REVOCATION OF BARGAINING RIGHTS**

The Board concluded 25 sale, lease, or transfer applications under section 44 of the Code. Of these, 11 were granted, one dismissed as incomplete, four withdrawn, eight dismissed and one settled through Board intervention.

Amalgamated Transit Union Local 1374 v. Greyhound Lines of Canada Ltd. [1991] Alta.L.R.B.R. 646 raised questions about successorship spanning federal and provincial jurisdictions. Greyhound ran a bus line under federal jurisdiction. A local Alberta company took over two of Greyhound's intra-provincial bus routes. ATU, 1374 sought to have the local company declared a successor employer based on the recognition clause in its collective agreement. The Board found that a successorship based on a collective agreement negotiated under federal legislation was possible, but did not arise in this case. It could only apply if the purchaser's business fell under provincial jurisdiction. The Board would not grant either a s. 44 successorship declaration or a s. 45 common-employer declaration to carve out an otherwise inappropriate unit from the local employer's larger operations. The Board confirmed that such a successorship could not arise from a federal certificate alone.

Several cases involved intermingling of two groups of employees. In *Teamsters Local 987 v. N.A.D.P. et al.* [1991] Alta.L.R.B.R. 50, the two employee groups were represented by different trade unions. The Board ordered a vote so the employees could select which of the two unions they wanted to represent them between the two unions. The losing union applied shortly after

to be certified for all the employees. The Board held that the revoking caused by its loss of the earlier vote did not bar its later certification application. The Board held the employees overriding right to apply for certification continued.

In *Boilermakers Local 146 v. Barber Industries Ltd.* [1991] Alta.L.R.B.R. 41, a purchaser bought a unionized business and mingled its 80 employees with its own 27. The Board granted the successorship declaration without a vote. It was influenced by the relative sizes of the two groups and by the proximity of the employees opportunity to seek revocation if they wished. A similar mingling of a large union workforce with a smaller non-union workforce occurred in *Teamsters Local 362 v. T.N.T. Railfast Division et al.* [1991] Alta.L.R.B.R. 256.

A unionized construction contractor was found to have disposed of a separate and identifiable part of its business to a successor in *Carpenters Local 1325 v. Alpine Drywall et al.* [1991] Alta.L.R.B.R. 744. The original company and the successor continued to operate as a common employer after the disposition. The Board found the motive for the arrangement was to avoid the original company's collective bargaining relationships. This resulted in a common employer declaration under section 190. The Board found the successor company to be the true employer despite the use of an intervening labour broker.

The Code divides the Board's jurisdiction to grant common employer declarations between two sections, one for construction and the other for non-construction. In the non-construction area the Board concluded seven applications. One was granted, one was settled through Board intervention and five were dismissed. Of the six construction applications, one was granted, three dismissed, one withdrawn, and one settled through Board intervention.

The Board granted a common employer declaration in *C.U.P.E. Local 787 v. City of Grande Prairie and Dorem and Associates* [1991] Alta.L.R.B.R. 203. The City periodically let a contract for a contractor to run its municipal bus line. The City retained and exercised a high degree of control over the employees working on its buses. It also owned the busses and bore the ultimate burden of remuneration. This led the Board to declare the City and the bus contractor to be a common employer of those employees.

The Board granted two applications to modify bargaining rights under section 43. There were 12 successor trade union applications concluded in this period. The Board dismissed one, adjourned one sine die and granted 10.

In *United Steelworkers Local 5885 v. Home Hardware Company* [1991] Alta.L.R.B.R. 506, the Board refused a successorship declaration because of a finding that the merger procedure was not properly followed. An employees' association constitution contained no merger provision.

A motion to amend that constitution failed for want of the necessary majority. This invalidated a later merger motion.

The Board concluded 50 revocation applications during the reporting period. Table 5 at the end of this report shows the disposition of these applications and the industries involved. Of the 33 revocation applications going to a vote, 29 employee groups voted for revocation and four against. Over half the revocation applications involved construction industry bargaining relationships.

During the reporting period, the Board experienced procedural difficulties in separating the issues of the voluntariness of revocation petitions from related unfair labour practices. The Board recognizes the overlap between these issues, but decided during the reporting period to seek improved procedures for dealing with this area of practice.

◆ **THE COLLECTIVE BARGAINING PROCESS**

The Board concluded 17 duty to bargain in good faith complaints for this period. Three were granted, two withdrawn, seven settled through Board intervention, three dismissed and two adjourned sine die.

An unusual and complex question of the duty to bargain arose in *Health Sciences Association of Alberta v. Calgary General Hospital et al.* [1991] Alta.L.R.B.R. 277. For many years, the applicant Union and the Employer participated in a multi-employer benefit society. That society was a vehicle for negotiating and providing the insurance benefits for several bargaining relationships. The union sought to withdraw from the benefit society plan set up under legislation dealing with municipal government. It put the issue before the Board by complaining of bad faith bargaining by the employer. This was because the employer said it could not legally negotiate something covered by the benefit society plan. The Board decided the case as reference of a question of law. It held that the benefits in issue were a permissible subject for collective bargaining notwithstanding the municipal government plan. The case is currently before the Courts on judicial review.

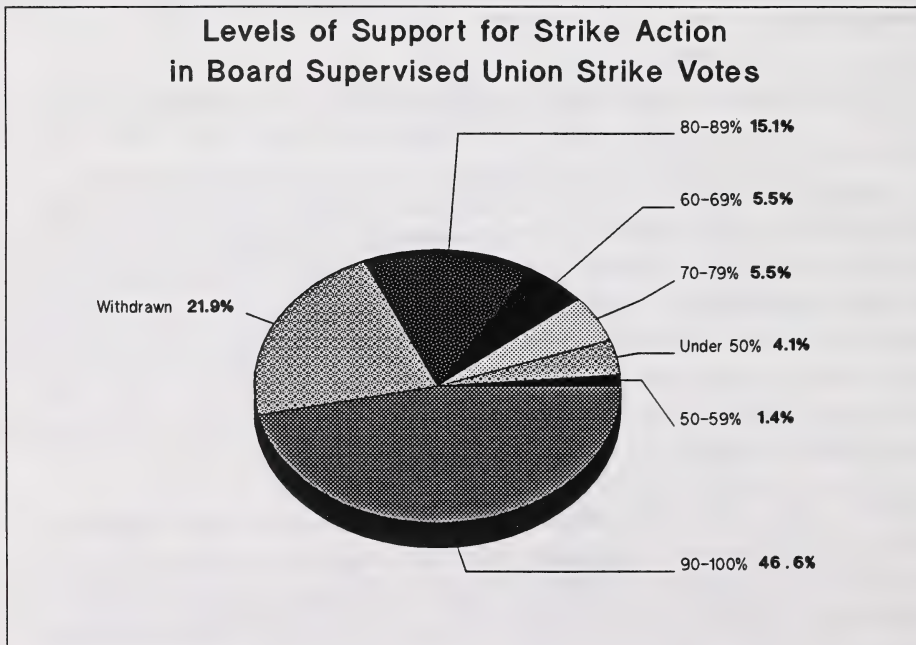
In *U.F.C.W., Local 1118 v. Airtex Manufacturing Partnership* [1991] Alta.L.R.B.R. 782, the Board addressed the position of the employer, union and employees following a brief lawful lockout. After its one day lockout, the employer required employees to return to work at unilaterally imposed interim conditions. These conditions excluded the union-related provisions in the former

agreement. At the end of the reporting period, this case remained the subject of both a reconsideration application and a motion for judicial review.

The injection of a new issue, at an advanced stage of bargaining, was found to violate the duty to bargain in good faith in *A.T.U., Local 583 v. The City of Calgary* [1991] Alta.L.R.B.R. 354. The Board found the issue could have been foreseen at the outset of bargaining, and there were no compelling circumstances to justify its late introduction.

The Board considered the application of the duty to bargain in good faith in the context of a back-to-work agreement in *Western Brewery Workers, Local 287 v. Molson Breweries Ltd.* [1991] Alta.L.R.B.R. 587. The employer's back-to-work proposal involved a return-to-work schedule using different seniority rules than existed in either the former or the proposed collective agreement. Such return-to-work demands are not illegal provided they are genuinely transitional and not an attempt to undo the collectively bargained agreement. In this case, the demands had not been pushed to impasse, so the Board declined to intervene.

The Board supervises all strike and lockout votes. During this reporting period, there were 71 strike votes, 16 lockout polls and one lockout vote.



The proposal vote provisions require the Board to poll employees on an employer's offer in three circumstances. The first is following a Disputes Inquiry Board. The other two are at the request of the employer. This can be done when the employer accepts, but the union rejects, a mediator's recommendation. It can also be done, on one occasion only during a dispute, solely on the basis of an employer proposal. The same provisions allow a union to poll employers who bargain together.

During this period, the Board handled 14 votes on employer's proposals, and none involving a mediator's recommendation. Of these 14 proposal votes, one was refused, 12 went against the proposal, and one was accepted.

The number of proposal votes has increased over the Code's first three years. However, this is probably because in the first two years many disputes remained governed by the Labour Relations Act. In the 12 proposal votes in which employees rejected the proposal, the lowest rejection was 79% against. The average was 91.5% rejection.

In *Alberta Healthcare Association v. Canadian Health Care Guild*, [1991] Alta.L.R.B.R. 526, an employers' organization asked the Board to conduct a province-wide proposal vote on a proposal which it said was still subject to employer ratification. The Board refused, ruling that section 67 contemplated a proposal which would result in a collective agreement if accepted by the voters, without any further contingency. The Board also held, in the facts of that case, that it would have to poll the employees in each bargaining relationship separately, because the parties were not engaged in formal group bargaining under the Labour Relations Code.

A dispute about who was an "affected employee," eligible to vote on a proposal, arose in *Canadian Union of Public Employees v. East Smoky School Division No. 54*, [1991] Alta.L.R.B.R. 584. Both parties had, earlier in bargaining, agreed to exclude certain central office employees. This had been done with their consent and, as a result, they were no longer affected by the dispute or entitled to vote.

◆ **STRIKES, LOCKOUTS AND PICKETING**

The Board processed 22 illegal strike complaints under sections 69 or 84. The complainants withdrew one complaint, the Board dismissed one complaint and the parties settled another. Nineteen resulted in orders that the strike cease. In the construction industry, the Board processed 4 complaints of illegal construction strike activity. One was dismissed, and three

resulted in cease and desist orders. Out of these orders the Board was asked to file four orders in the Court of Queen's Bench for non-compliance.

Of the two illegal lockout allegations received under section 70, one was settled through Board intervention and one was dismissed.

The Board dealt with eight applications to regulate picketing, granting six orders. Two were withdrawn. There were no significant written decisions in this area. The incidence of such applications were higher than previous years, primarily due to events during the bi-annual round of construction bargaining.

◆ **COLLECTIVE AGREEMENT ARBITRATION**

The Board concluded two section 138(1) applications to speed up arbitrations. Both were settled through Board intervention.

Two Board decisions touched indirectly upon collective agreement arbitration processes. *Minister of Labour v. Cimco Lock Refrigeration Ltd. et al* [1991] Alta.L.R.B.R. 615 involved an application by the Minister for a ruling about whether the Minister should direct parties to appoint a Voluntary Arbitration Board. The collective agreement required the parties to refer a renewal dispute to Voluntary Binding Arbitration, failing agreement by a given date. Before that date arrived, a party asked the Minister to appoint a Board. As it was clear the Minister knew, once the date passed, that no settlement had been reached, the Board advised the Minister that an appointment should be made.

Calco Club v. Calgary Co-operative Association Ltd. [1992] Alta.L.R.B.R. 77 involved a complaint of interference with a Union representing an employee. The employer sought to interview three employees about theft. The employees asked to have a union representative present during the interview, but were refused on the basis that the interviews were investigative, not disciplinary.

The Board held that the issue raised matters of statutory proportions, and declined to defer to arbitration. It held that it was an unfair labour practice to deny an employee the assistance of a Union representative at an interview or meeting that the employee reasonably believes may result in discipline.

◆ PROHIBITED PRACTICES

Unfair labour practice complaints normally involve the conduct of trade unions, or of employers. The volume of complaints received remained consistent with last year's experience.

Raw numbers can be misleading. Often complaints allege breaches of several related sections, yet by the time of hearing, these are refined into one or two key provisions. The practices of lawyers and others vary. Some lay wide-ranging complaints to catch every possible violation. Others focus their complaints more precisely at the outset. This makes the unquestioning reliance on total application numbers problematical.

In some areas, the ratio of complaints filed to successful complaints is low. However, unfair labour practices rarely occur in a vacuum. They are often woven into the broader processes of labour relations. Many complaints are withdrawn because the parties settle between themselves through collective bargaining or some other mechanism. Board intervention helps settle many other cases without a final decision.

COMPLAINTS AGAINST EMPLOYERS

In this year, the Board concluded 147 complaints against employers. Four were withdrawn, three adjourned sine die and 66 settled through Board intervention. Of those formally adjudicated, the Board dismissed 71 matters and found in favour of the applicant on three matters.

The sections most complained under were sections 146(1)(a) - employer interference, 147(a) - employer discrimination based on union involvement, and 147(c) - employer discrimination. Several cases commented upon the interpretation of these and related sections.

An employer that extends voluntary recognition to a trade union that it knows does not represent employees may contravene the prohibition on employer union support in section 146(b). In *Construction and General Workers Local 1111 v. Sie Mac Pipeline Contractors Ltd.* [1991] Alta.L.R.B.R. 847, the Board found the employer had given such prohibited support. Beyond the recognition, the Board found the employer had paid employees a bonus of 25 cents per hour to offset the dues deducted for that trade union.

The Board held that refusing a person the union representation they asked for during an interview leading to discipline amounted to interference with a trade union's right to represent an employee in *Calco Club v. Calgary Co-operative Association Ltd.* [1992] Alta.L.R.B.R. 77.

For a person to be liable for an unfair labour practice under section 146(1)(a) they must be part of management, or otherwise acting as an agent of management. It is insufficient that the person seems to some employees to be acting on behalf of management without evidence to establish some real connection. See: *U.F.C.W. Local 401 v. Employees of Halls Foods et al.* [1991] Alta.L.R.B.R. 190.

The Court remitted an unfair labour practice complaint back to the Board following judicial review in *Forest Grove Care Centre Ltd. v. C.U.P.E. Local 2340*. While the Court upheld the finding of an unfair labour practice, the Court remitted the case back for further consideration. The Board originally ordered outright reinstatement. The Court ruled that the Board should have assessed the merits of the Employer's allegations of cause for the dismissal before determining the appropriate remedy. The Court held that the right an employer has to dismiss for just cause does not apply in the face of an unfair labour practice finding.

In *Canadian Paperworkers Union Local 1118 v. MacMillan Bathurst* [1991] Alta.L.R.B.R. the Board found a breach of the statutory freeze created by the commencement of bargaining. The Board applied a "reasonable expectations test" to determining whether moving certain work to another plant amounted to a violation of the freeze. The Board found that the employer's actions were not "business as usual" and amounted to a violation of the freeze. On judicial review, the Court remitted the case back to the Board for further written reasons. The Court directed the Board to reconsider the case in light of sections 145(3)(c) and 148 of the Code. See: *Canadian Paperworkers Union Local 1118 v. MacMillan Bathurst Inc.* [1991] Alta.L.R.B.R. 126.

COMPLAINTS AGAINST UNIONS

During the year, the Board concluded 88 complaints against trade unions. Two were incomplete, 14 withdrawn, 54 dismissed. Sixteen were settled through Board intervention and two upheld.

The majority of employee complaints concerned the duty of fair representation. A high percentage of these complaints first came to the Board long after the events in question. In a disturbingly high number of cases, the employee in question only complained to the Board after first pursuing a wrongful dismissal action in the civil courts. Such actions are normally barred by the existence of the grievance and arbitration provisions in the collective agreement.

In *L'Heureux v. Civic Service Union No. 52*, [1991] Alta.L.R.B.R. 736, the Board held that missing a time limit to refer a matter to arbitration, without explanation, was gross negligence amounting to a breach of the duty of fair representation. The Board extended the time limits for submissions to arbitration and ordered the Union to bear the full costs of the arbitration.

In *Seneviratne v. A.T.U., No. 583* [1991] Alta.L.R.B.R. 814, the Board dismissed a duty of fair representation complaint. The Union had begun an arbitration, but withdrew the case on the advice of counsel following certain evidence. A judicial review motion before the Court of Queen's Bench remained outstanding at the end of the reporting period.

The Board only has limited authority in internal trade union affairs. In *Mann v. City Firefighter's Union, Local 209*, [1991] Alta.L.R.B.R. 742, the applicant complained to the Board because the local union had failed to pay him certain legal costs due him as a result of a local trial committee's decision. The Board held this to be an internal trade union matter, and therefore within the jurisdiction of the Courts, not the Board. The events lacked the coercive or discriminatory elements necessary to establish a breach of s. 149(f) or 150(1)(b).

Normally, in matters of internal union discipline, section 150 requires the Board to defer to the union's internal appeal procedures. However, it may intervene in cases covered by section 150(3), and did so in *Johnson v. Boilermakers, Local Lodge 146* [1991] Alta.L.R.B.R. 421. The Board found that, given the long and litigious history of the proceedings, it was necessary to deal with the issue without further delay. The Board also found that, given the history, any further internal appeal might not be sufficiently impartial.

◆ THE CONSTRUCTION INDUSTRY

Registered Construction Bargaining proceeded during the reporting period with comparatively few issues arising for Board decision. Those that did arise were resolved, with little interruption to the bargaining process. Some trades within the General Construction Sector applied for supervision of a section 183 consolidated strike vote amongst the, then unsettled, trades. At the time of the application, two trades had achieved, but not ratified, settlements. The Board held that these trades remained unsettled until ratification and must be included in any vote.

The Board also held that the special section 183 construction industry strike vote provisions replaced the ordinary strike votes provision completely. Once a sufficient number of unsettled trades apply, all unsettled groups of trade unions must participate in the vote, whether they individually wish to or not. This is so, whether or not the individual trade has passed the cooling-off period following mediation. Should a trade union refuse to participate in a consolidated strike vote, the Board will give the necessary directives to ensure that the employees concerned can participate. Section 183 requires that all unsettled trades within a consolidation grouping take strike or lockout action together. See: *Certain Building Trades v. Certain Registered Employers' Organizations in Consolidation Order Group 1* [1991] Alta.L.R.B.R. 454.

In *CLRa ISM/Lathers (Provincial) Trade Division v. The General Construction Carpenter Group of Trade Unions et al* [1991] Alta.L.R.B.R. 545, a panel had to interpret the times when a Registered Employers' Organization may apply to revoke registration. The Board found the Code only allowed such applications in the two months before the normal expiry of the collective agreement (that is, before April 30) and then not again until 10 months elapse following the start of bargaining.

Following several related applications, the Board had to determine how construction surveyors fit into registration bargaining and the Board's standard bargaining unit policies. The Board sought input from the industry, and received many helpful submissions from employers, employees, trade unions and employers' organizations.

The Board found that construction surveyors appropriately fall into the operating engineers bargaining unit. It found a separate surveyors unit within the General Construction Sector or the Speciality Construction Sector would be inappropriate for collective bargaining. It would also be an undesirable increase in the already large number of individual trades. The Board's decision in *International Union of Operating Engineers No. 955 v. Dilcon Construction Ltd.* [1991] Alta.L.R.B.R. 619 recognized some important distinctions within the surveying industry. In particular, it recognized that construction surveyors play a different role than Alberta Land Surveyors. It recognized the role surveying may play in procurement, engineering and quality control. It also recognized that other trades may, on occasion, use survey tools as tools of their own trade, without becoming construction surveyors.

The Board had to differentiate between construction and maintenance work in *International Brotherhood of Electrical Workers Local 424 and CASCA Electric Ltd.* [1991] Alta.L.R.B.R. 227. It found employees were engaged in construction work rather than maintenance while building a new tailings pond. The pond increased the plant's waste storage capacity without increasing its overall oil production capacity.

In *Construction Labour Relations - an Alberta Association v. Fluor Canada Ltd. et al* [1991] Alta.L.R.B.R. 410, the Board interpreted section 163. That section allows Registered Employers' Organizations to levy dues from employers bound by registration. The onus of proof is on the organization seeking to collect the dues. The uniformity of dues the section requires is amongst the employees within the registered employers' organization, which, in the case of the CLRa, is the trade division not the CLRa parent organization. The dues assessed for the R.E.O.'s services must bear a reasonable relationship to the cost of providing those services that are necessary to carry out the R.E.O.'s statutory duties. Dues can be budgeted and assessed prospectively; they need not be based on a strict after-the-fact cost recovered basis.

Construction industry certificates cover the trade union's territorial jurisdiction unless the certificate says otherwise. When a Local's territory expands as a result of a merger, the Board may limit the scope of previously acquired bargaining rights using a zone reference. The Board's rules now set out the territorial scope of these zones, which are explained in *International Brotherhood of Bricklayers and Allied Craftsmen, Local No. 2 v. Sas-Can Masonry Ltd.* [1991] Alta.L.R.B.R. 444.

The Board interpreted the special construction industry common employer provisions in several cases. In *Construction and General Workers Local 1111 et al v. Sie-mac Pipeline Construction Ltd. et al.* [1991] Alta.L.R.B.R. 847 the Board found a pipeline contractor and a closely related labour subcontractor to be common employers. It found that one was the alter ego of the other, designed, in part, to avoid collective bargaining relationships. Section 190(3) provides an exception for entities with no related employees. The Board found that section inapplicable because the two entities, jointly, were the employer. Section 190(3) does not force the Board to identify one of two joint employers as "the employer" and the other, by default, not an employer.

Several trade unions claimed jurisdiction to represent drywall tapers. Practice varied across the Province. In *CLRa, ISM/Lathers (Provincial) Trade Division v. United Brotherhood of Carpenters* [1992] Alta.L.R.B.R. 16, the Board had to decide where drywall tapers fit in the registration system. The Construction Industry Transition Registration specified Drywall Taping as a trade jurisdiction, although no Employer's Organization applied for registration. The Board had done nothing to change the trade description which implicitly excluded drywall taping for the scope of the registrations held by painters, plasters and ISM/Lathers. Thus, while certified unions continued to hold bargaining rights of drywall tapers, their negotiations currently fall outside of registration.

Following an award of the Construction Industry Disputes Resolution Tribunal, one member Local of a group of trade unions refused to sign the resulting collective agreement. In *CLRa Millwrights (Provincial) Trade Division v. Millwrights Union Local 1460 et al*, [1992] Alta.L.R.B.R. 33 the Board directed the Local to sign the agreement, which was binding upon them by law. The Board commented on the detrimental effect on bargaining caused by failure of the Millwrights' Group of Trade Unions to adopt the rules to govern their bargaining required by s. 173(b). The panel expressed the hope that such groups adopt such rules voluntarily, or that applications be made to set such rules before the lack of rules caused difficulty for other trades under registration bargaining.

■ JUDICIAL REVIEW - COURT ACTIVITY ■

The number of judicial review applications commenced during the reporting period was well below the number from the previous year. A majority of those begun were later withdrawn or abandoned. Sometimes this was due to the conclusions reached in parallel reconsideration proceedings.

COURT CHALLENGES TO BOARD DECISIONS

YEAR	1988	1989	1990	1991	1992*
Outstanding at beginning of period	10	9	13	18	8
Applications Commenced	15	17	26	10	5
Applications Withdrawn	7	7	12	12	1
Decisions Upheld	8	7	6	5	1
Decisions Reversed or Remitted Back	1	0	3	3	0
Outstanding at end of the period	9	12	18	8	11

* January 1 - March 31 only

Six cases resulted in written reasons for decision, all reported in the Alberta Labour Relations Board Reports.

In *Henuset Pipeline Constr. Ltd. v. Alberta Labour Relations Board et al.* [1991] Alta.L.R.B.R. 176 the Court upheld the Board's finding that a pipeline contractor rather than a labour broker was the true employer of certain pipeline employees. An appeal remained outstanding before the Court of Appeal at the end of the reporting period.

In *Forest Grove Care Centre Ltd. et al v. CUPE Local 2340 et al.* [1991] Alta.L.R.B.R. 345 the Court remitted a matter back to the Board for further decision. The Board originally ordered that the employer reinstate an employee because her dismissal contravened the Code. The Court ruled that the Board should have first ruled upon the validity of the employer's grounds for

dismissal, and directed the Board to do so before any reinstatement. The parties later settled the dispute by agreement.

In *Airtex Manufacturing Partnership v. U.F.C.W. Local 421P* [1991] Alta.L.R.B.R. 374 the Court upheld the Board decision. That decision held that majority of ballots cast meant ballots validly cast, which excluded spoiled ballots. The Court examined the Board's role under the statute in relation to representation votes. Taking a pragmatic and functional approach, the Court found the question was one the legislation inclined the Board to decide. Judicial intervention was therefore only appropriate if the Board's decision was patently unreasonable, which, the Court held, it was not.

The Court of Queen's Bench rejected a challenge to the Board's practice of conducting hearings without transcription or recordings. The Court found the Charter had no application to the practice. See: *Alberta Labour Relations Board v. IBEW Local 1007 et al* [1991] Alta.L.R.B.R. 561. The Court also ruled that a Board member's handwritten notes were personal to the member and not part of the record available on judicial review. An appeal to the Court of Appeal remained outstanding at the end of the reporting period.

The Court of Queen's Bench quashed a Board decision about school principals and the Labour Relations Code managerial exclusion in *The Board of Trustees of the Edmonton School District #7 v. The Alberta Teachers' Association et al* [1991] Alta.L.R.B.R. 724. The Board held that the School Act provision dealt with the issue by statute, making the Labour Code's managerial exclusion inapplicable. The Court held that this ignored the effect of s. 99 of the School Act. An appeal by the Alberta Teachers' Association remained outstanding at the end of the reporting period.

The Court of Queen's Bench remitted a decision back to the Board for further consideration in *MacMillan Bathurst Inc. v. Canadian Paperworkers' Union Local 1118 et al* [1991] Alta.L.R.B.R. 727. The Court's ruling questioned the completeness of the Board's reasons rather than whether those reasons were correct in law.

■ CASE LOAD STATISTICS ■

The Board's computerized case management system provides individual case monitoring facilities. It also gives the ability to generate statistics about activity before the Board. This report includes the following statistical reports.

Table 1:	Case Resolution by Category
Table 2:	Case Resolution by Section
Table 3:	Certification Applications - Concluded
Table 4:	Industry Categories
Table 5:	Revocation Applications - Concluded
Table 6:	Reconsiderations (Review Type) - Concluded
Table 7:	Votes - Concluded
Table 8:	Concluded Files - Others - By Category
Table 9:	Concluded Files - Others - By Section
Table 10:	Labour Relations Code Comparative Statistical Summary

◆ TERMS USED IN THE STATISTICAL TABLES

The Board tracks each individual case that comes before it. We call this a "Matter." A matter generally consists of an application, reference or complaint brought by one party (or sometimes a group of parties) against another party (or group of parties) under a specific section of the Labour Relations Code.

Only certain sections of the Code give rise to applications, references or complaints. We call these "entry sections." The reports break down the matters received by entry section. In a few cases, applications are so frequently brought under two sections at the same time that we group them together and treat them as one entry section for statistical purposes. Entry sections beginning with the letter P involve the Police Officers Collective Bargaining Act.

Often a case will involve several matters. One dispute, between an employer and a trade union, may, for example, give rise to several different complaints. More general reports allow a look at areas of activity by grouping entry sections into more general "categories."

A case recorded as one matter may affect more than one person. There are "test case" situations where a decision about one person will govern others. We generally record these cases as one matter, not several.

These definitions ensure the validity of statistical comparisons from year to year.

The Board's last annual report included statistics for the 1980-88 period. Those wishing long-term comparative figures should review that report.

In the case of most reports, our statistics are province-wide. However, parallel reports are available which break down the same statistics into those processed through Calgary or Edmonton.

The various case conclusion reports analyze cases by "resolution type." Some resolution types are self-explanatory. The following comments will explain those that are not.

CERTIFICATION:

Refused Numbers: means the union did not meet the initial 40% requirement.

Refused Unit: means the Board found the bargaining unit inappropriate.

Refused - Multiple: means the application was dismissed in circumstances where the union applied twice, intending only to get one certificate (for example, when it was uncertain which party was the true employer).

Refused - Other: means the Board rejected the application for other reasons. For example, time bars, lack of trade union status, etc.

REVOCATION:

Refused - Numbers: means the applicant did not have the necessary initial 40% support.

Refused - Other: means the Board rejected the application for other reasons.

RECONSIDERATION (REVIEW TYPE):

Declined: means the Board declined to reconsider the matter.

Varied: means the Board varied its original decision.

Revoked: means the Board revoked its original decision.

Affirmed: means the Board reconsidered the matter, but ended up affirming its original decision.

ALL OTHER CATEGORIES:

Withdrawn:

means the application was withdrawn. Parties may do this voluntarily, or as part of a settlement arrived at between themselves.

Informal:

means the matter was resolved by the parties accepting a Section 10 Informal Board Member recommendation.

Settled:

means the matter was settled because of officer or other Board intervention.

Dismissed:

means the Board dismissed a complaint, or ruled for the respondent in an application or reference.

Granted:

means the Board upheld a complaint, or ruled for the applicant in an application or reference.

TABLE 1
CASE RESOLUTION BY CATEGORY
PERIOD 04/01/91 - 03/31/92

Description	Start	Received	Concluded	Outstanding
Certification	18	214	221	11
Revocation	2	49	50	1
Determinations	79	110	155	34
Appeals	9	19	24	4
Differences	2	7	7	2
Consents	0	7	7	0
BR modifications	28	58	71	15
Successor unions	1	11	12	0
Bad faith bargaining	2	20	17	5
Conducted votes	1	14	15	0
Illegal strike/pkg	0	36	34	2
Illegal lockout	1	1	2	0
Supervised S/L votes	3	90	91	2
Speeding Up Arbs	1	1	2	0
Employer UFLP	15	202	147	70
Trade Union UFLP	3	45	46	2
Employee/TU UFLP	13	44	42	15
Registration cases	4	4	5	3
Miscellaneous	1	17	15	3
P.O.C.B.A.	1	0	0	1
LRA/Transition	11	4	10	5
Total	195	953	973	175

Total Outstanding Cases As Of 04/01/91: 195
Received: 953
Concluded: 973
Total Outstanding Cases As Of 03/31/92: 175

TABLE 2
CASE RESOLUTION BY SECTION
PERIOD 04/01/91 - 03/31/92

Section	Description	Start	Received	Concluded	Outstanding
11(3a)	Employer determination	3	3	4	2
11(3bo)	Employee/unit determination	40	54	80	14
11(3c)	Employers' organization	0	0	0	0
11(3d)	Trade union	0	0	0	0
11(3e)	Bargaining authority	1	0	1	0
11(3fjk)	Agreement determinations	4	11	9	6
11(3ghi)	Persons bound by agreement	19	27	38	8
11(3l)	Appropriate unit	0	1	0	1
11(3mn)	Union member determination	0	0	0	0
11(3p)	Employer bound by reg'n	5	6	9	2
11(3qr)	Sector/Trade determination	4	1	5	0
11(3s)	Industry determination	3	7	9	1
11(3tu)	Strike/Lockout determination	0	0	0	0
11(4a)	Reconsideration - Appeal	9	19	24	4
11(4ch)	Reconsideration - Change	8	24	28	4
13(2)	Attendance of witness	0	2	2	0
14(3a)	Vote at parties request	0	1	1	0
14(3b)	Vote at Minister's direction	0	0	0	0
15(1)	Non-specific UFLP	0	1	1	0
15(2)	Reference of a difference	2	7	7	2
17(6)	Board order - Non compliance	0	2	2	0
18(2)	Judicial review	0	0	0	0
20(abc)	Employer/TU discrimination	0	3	0	3
24	Union disciplinary action	0	0	0	0
25	Union dues deduction	0	1	1	0
27(2)	Religious exemption	1	1	2	0
29	E.O. disciplinary action	0	0	0	0
30	Certification	18	214	221	11
35(1)	Consent to file certification	0	3	3	0
39(1)	Consolidation of certificates	0	3	2	1
42	Extension of certificate	0	0	0	0
43	Modification of certificate	1	3	2	2
44	Sale/Lease/Transfer	11	18	25	4
45(1)	Spinoffs	5	3	7	1

46(2)	Governing bodies	0	1	1	0
47(1)	Successor trade union	1	11	12	0
49(1ee)	Employee revocation	2	38	39	1
49(1er)	Employer revocation	0	9	9	0
49(1tu)	Trade union revocation	0	2	2	0
50(1)	Revocation consent during S/L	0	0	0	0
53(1)	Revocation without application	0	0	0	0
55	Waiver of 90 day time bar	0	4	4	0
58(3)	Duty to bargain in good faith	2	19	16	5
64(3)	Mediator's report vote	0	0	0	0
67(1)	Last offer proposal vote	1	13	14	0
69	Illegal strike	0	23	22	1
70	Illegal lockout	1	1	2	0
74(1a)	Strike vote	3	69	71	1
74(2a)	Lockout poll	0	16	16	0
74(2b)	Lockout vote	0	2	1	1
82(2)	Regulation of picketing	0	8	8	0
83(ab)	Refusal to work	0	0	0	0
84	Unlawful strike powers	0	0	0	0
85	Unlawful lockout powers	0	0	0	0
86(2)	S/L Order - non compliance	0	4	4	0
88(2)	Reinstatement of employee	0	2	2	0
94(2)	Fire & Hosps illegal S/L's	0	0	0	0
105(2)	D.L.B. vote	0	0	0	0
112(14)	Dues checkoff suspension	0	0	0	0
113(13)	Dues during illegal lockout	0	0	0	0
129	Refusal to sign agreement	0	1	1	0
131	Void agreement	0	2	2	0
138(1)	Speeding up arbitration	1	1	2	0
145(1)	Pre-certification freeze	0	2	2	0
145(2)	Post-certification freeze	0	0	0	0
145(3)	Bargaining period freeze	1	0	1	0
146(1a1)	Employer union involvement	3	30	26	7
146(1a2)	Employer interference	5	26	21	10
146(1b)	Employer union contributions	0	13	12	1
147(a12)	Refusal to employ - membership	2	33	22	13
147(a3)	Refusal to employ - expulsion	0	0	0	0
147(a456)	Refusal to employ - complaint	0	4	2	2
147(a7)	Refusal to employ - strike	0	3	3	0

147(a8)	Refusal to employ - rights	1	29	24	6
147(b)	Illegal contract term	0	6	2	4
147(c)	Illegal employer intimidation	1	39	25	15
147(d)	Illegal disciplinary action	1	3	1	3
147(e)	Illegal collective bargaining	0	1	1	0
147(f)	Illegal penalty or discharge	0	0	0	0
147(g123)	Illegal employer retaliation	1	10	2	9
149(a)	Force bargain for other's unit	0	1	1	0
149(b)	Bargain another T.U.'s unit	0	1	1	0
149(c)	Union involvement with E.O.	0	0	0	0
149(d)	Illegal workplace organizing	0	16	16	0
149(e)	Encouraging refusal to work	0	1	1	0
149(f)	Union coercion	2	24	24	2
149(g)	Employee termination	0	0	0	0
149(h)	T.U. penalty-rights	1	1	2	0
149(i12)	T.U. penalty working	0	1	1	0
150(1a)	Discriminatory union rules	0	2	2	0
150(1b)	Discriminatory discipline	0	5	3	2
151(1)	Duty of fair representation	13	37	37	13
152(1)	Dispute related misconduct	0	2	2	0
152(2)	Dispute related misconduct	0	0	0	0
153(1a)	Insurance denial - stoppage	0	0	0	0
153(1b)	Insurance denial - dismissal	0	0	0	0
153(2a)	Denial of insurance benefit	0	0	0	0
153(2b)	Cancellation of insurance	0	0	0	0
153(2c)	Refusal to accept premiums	0	0	0	0
153(2d)	Failure to remit premiums	0	0	0	0
163	R.E.O. dues	3	0	0	3
164	Registration application	0	2	2	0
168(1)	Waiver of 60 days - reg'n	0	0	0	0
173(5)	Rules for group of unions	0	0	0	0
175(1)	Directive re: contracts	0	0	0	0
177	Filing requirement	0	0	0	0
178(2)	Merger of R.E.O.	0	0	0	0
179(1)	Cancellation of registration	1	2	3	0
182(1)	Consolidation order	0	0	0	0
183(1)	Construction - strike votes	0	3	3	0
184(1)	Illegal construction strike	0	5	4	1
185(2)	Construction - lockout votes	0	0	0	0

186	Construction - illegal lockout	0	0	0	0
190(1)	Construction spin-off	3	6	6	3
205	Transitional provisions	8	2	7	3
LRA	Matter under LRA	3	2	3	2
p25	Speeding up arbitration	0	0	0	0
p36	Employer U.F.L.P.	0	0	0	0
p37	Police Assn. U.F.L.P.	1	0	0	1
p40	Settlement of difference	0	0	0	0
p43(2)	Determinations	0	0	0	0
p44	Reconsideration	0	0	0	0
Totals		195	953	973	175

Total Outstanding Cases As Of 04/01/91: 195
Received: 953
Concluded: 973
Total Outstanding Cases As Of 03/31/92: 175

TABLE 3
CERTIFICATION APPLICATIONS - CONCLUDED
PERIOD 04/01/91 - 03/31/92

	Withdrawn	Sine Die	Refused Numbers	Refused Unit	Refused Multiple	Refused Other	Refused Lost Vote	Certified	Total
<i>Number of Conclusions:</i>									
Total Files:	28	0	12	3	14	9	37	118	221
Edmonton Files:	20	0	9	1	8	1	22	83	144
Calgary Files:	8	0	3	2	6	8	15	35	77
<i>Average Number of Days to Conclusion:</i>									
Average Days: Overall	12	0	11	30	43	24	21	22	21
Average Days: Edmonton	14	0	11	12	67	149	14	23	23
Average Days: Calgary	8	0	11	39	11	9	30	18	18
<i>Industry Breakdown:</i>									
Construction	17	0	4	2	12	8	14	50	107
Construction - Related	0	0	4	0	0	1	1	7	13
Education	0	0	0	0	0	0	0	3	3
Food Production	0	0	0	0	0	0	3	2	5
Hosp. and Health Care Services	1	0	2	0	0	0	4	19	26
Manufacturing	4	0	1	1	0	0	6	7	19
Mining	0	0	0	0	0	0	0	0	0
Printing	0	0	0	0	0	0	0	3	3
Public Sector	1	0	0	0	0	0	1	7	9
Pulp & Lumber Forest Products	0	0	0	0	0	0	0	0	0
Retail and Wholesale Sector	3	0	1	0	2	0	3	11	20
Transportation and Storage	2	0	0	0	0	0	4	2	8
Miscellaneous	0	0	0	0	0	0	1	7	8

TABLE 4**INDUSTRY CATEGORIES**

This table describes the type of bargaining relationship falling within each industry type used in the Board's statistical tables.

Construction:	General (Commercial/Institutional/Industrial), Pipeline, Roadbuilding and Heavy Construction, Specialty
Construction-Related:	Quasi-Construction, Service, Maintenance, Repair
Education:	School Boards, Private Schools
Food Production:	Baked Goods, Cereal, Dairy Products, Feed, Fish, Flour, Fruit, Milk, Meat and Poultry, Sugar, Vegetables, Vegetable Oils
Hospital and Health Care Services:	Health Care Units, Hospitals, Medical and other Health Laboratories, Nursing Homes, Victorian Order Nurses
Manufacturing:	Appliances, Beverages - (Brewery, Distillery Soft Drinks, Winery), Chemical, Clay Products, Clothing, Concrete Products, Electrical, Electronic, Fabricated Metal, Furniture, Glass, Machinery, Metal, Paper Goods, Petroleum, Pipe, Plastics, Pulp & Paper, Rubber, Textiles, Transportation Equipment
Mining:	Metals, Non-Metal, Coal, Oil & Gas, Tarsands (overburden)
Printing:	Bindery, Book Publishing, Business Forms, Commercial Printing & Typesetting, Newspaper, Magazines, Periodicals
Public Sector:	Ambulance Authorities, Fire Departments, Improvement Districts, Library Boards, Municipalities, Police, Public Transportation, Recreation Boards
Pulp & Lumber Forest Products:	Logging, Pulp & Paper, Sawmills
Retail and Wholesale Trade:	Automotive Sales & Service, Beer Stores, Department Stores, Drug Stores, Food, Beverage and Accommodation Services, Gas & Service Stations, Grocery Stores, Liquor Stores, Movie Production, Non-Destructive Testing, Parking Lot Service, Security Guard Service, Theatres (including live and movie), Wine Stores
Transportation and Storage:	Warehousing, Distribution, Trucking, Taxies, Buses, Couriers
Utilities:	Electricity, Water, Gas, Telephones
Miscellaneous:	Agricultural/Exhibition Boards, Greenhouses, Group Homes, Labour Organizations, Legal Aid, Mushroom Farms, Non-Profit Organizations, Charity Groups

TABLE 5
REVOCATION APPLICATIONS - CONCLUDED
PERIOD 04/01/91 - 03/31/92

Section	Description	Withdrawn	Sine Die	Refused Numbers	Refused Other	Refused Lost Vote	Revoked Cert	Revoked V.R.	Total
<i>Number of Conclusions</i>									
49(tee)	Employee revocation	1	0	2	3	4	27	2	39
49(ter)	Employer revocation	1	0	0	1	0	7	0	9
49(ttu)	Trade Union revocation	0	0	0	0	0	2	0	2
53(1)	Revocation without application	0	0	0	0	0	0	0	0
TOTAL FILES:									
		2	0	2	4	4	36	2	50
Edmonton Files:									
		0	0	2	3	2	14	1	22
Calgary Files:									
		2	0	0	1	2	22	1	28
<i>Industry Breakdown:</i>									
Construction									
		1	0	1	3	1	20	0	26
Construction - Related									
		1	0	0	1	0	4	0	6
Food Production									
		0	0	0	0	0	0	0	0
Hosp. and Health Care Services									
		0	0	0	0	1	1	0	2
Manufacturing									
		0	0	1	0	2	5	1	9
Printing									
		0	0	0	0	0	1	0	1
Public Sector									
		0	0	0	0	0	1	0	1
Pulp & Lumber Forest Products									
		0	0	0	0	0	1	0	1
Retail and Wholesale Sector									
		0	0	0	0	0	1	0	1
Transportation and Storage									
		0	0	0	0	0	2	1	3
Utilities									
		0	0	0	0	0	0	0	0
Miscellaneous									
		0	0	0	0	0	0	0	0

TABLE 6

**RECONSIDERATIONS (REVIEW TYPE) - CONCLUDED
PERIOD 04/01/91 - 03/31/92**

Section	Description	Incomplete	Withdrawn	Sine Die	Declined	Varied	Revoked	Affirmed	Total
11(4a)	Reconsideration - Appeal	0	0	1	16	3	2	2	24

TABLE 7
VOTES - CONCLUDED
PERIOD 04/01/91 - 03/31/92

Section	Description	Incomplete	Withdrawn	Sine Die	Refused	For	Against	Total
14(3a)	Vote at parties request	0	0	0	0	0	1	1
14(3b)	Vote at Minister's direction	0	0	0	0	0	0	0
64(3)	Mediator's report vote	0	0	0	0	0	0	0
67(1)	Last offer proposal vote	0	0	0	1	1	12	14
74(1a)	Strike vote	0	16	0	1	51	3	71
74(2a)	Lockout poll	1	0	0	0	15	0	16
74(2b)	Lockout vote	0	0	0	0	1	0	1
105(2)	D.I.B. vote	0	0	0	0	0	0	0
183(1)	Construction - strike votes	0	0	0	0	3	0	3
185(2)	Construction - lockout votes	0	0	0	0	0	0	0
Totals		1	16	0	2	71	16	106

TABLE 8

CONCLUDED FILES - OTHERS - BY CATEGORY
PERIOD 04/01/91 - 03/31/92

Category	Incomplete	Withdrawn	Sine Die	Informal	Settled	Dismissed	Granted	Total
Determinations	6	15	1	1	38	65	29	155
Differences	0	2	0	0	1	0	4	7
Consents	0	0	0	0	0	3	4	7
BR modifications	2	9	0	0	4	20	36	71
Successor unions	0	0	1	0	0	1	10	12
Bad faith bargaining	0	2	2	0	7	3	3	17
Illegal strike/pkg	0	3	0	0	1	2	28	34
Illegal lockout	0	0	0	0	1	1	0	2
Speeding up arbs	0	0	0	0	2	0	0	2
Employer UFLP	0	4	3	0	66	71	3	147
Trade Union UFLP	0	7	0	0	14	25	0	46
Employee/TU UFLP	2	7	0	0	2	29	2	42
Registration cases	1	0	0	0	0	1	3	5
Miscellaneous	0	4	0	0	1	5	5	15
P.O.C.B.A.	0	0	0	0	0	0	0	0
LRA/Transition	0	0	3	0	7	0	0	10
Totals	11	53	10	1	144	226	127	572

TABLE 9

**CONCLUDED FILES - OTHERS - BY SECTION
PERIOD 04/01/91 - 03/31/92**

Section	Description	Incomplete	Withdrawn	Sine Die	Informal	Settled	Dismissed	Granted	Total
11(3a)	Employer determination	1	0	0	0	0	0	3	4
11(3bo)	Employee/unit determination	0	12	0	1	27	33	7	80
11(3c)	Employers' organization	0	0	0	0	0	0	0	0
11(3d)	Trade Union	0	0	0	0	0	0	0	0
11(3e)	Bargaining authority	0	0	0	0	0	0	1	1
11(3fjk)	Agreement determinations	1	0	0	0	0	5	3	9
11(3ghi)	Persons bound by agreement	2	2	0	0	7	21	6	38
11(3i)	Appropriate unit	0	0	0	0	0	0	0	0
11(3mn)	Union member determination	0	0	0	0	0	0	0	0
11(3p)	Employer bound by Reg'n	1	0	0	0	2	3	3	9
11(3qr)	Sector/Trade determination	0	1	0	0	2	1	1	5
11(3s)	Industry determination	1	0	1	0	0	2	5	9
11(3tu)	Strike/Lockout determination	0	0	0	0	0	0	0	0
11(4ch)	Reconsideration - Change	1	4	0	0	1	4	18	28
13(2)	Attendance of witness	0	0	0	0	0	1	1	2
15(1)	Non-specific UFLP	0	1	0	0	0	0	0	1
15(2)	Reference of a difference	0	2	0	0	1	0	4	7
17(6)	Board order - Non compliance	0	0	0	0	1	1	0	2
20(abc)	Employer/TU discrimination	0	0	0	0	0	0	0	0
24	Union disciplinary action	0	0	0	0	0	0	0	0
25	Union dues deduction	0	1	0	0	0	0	0	1
27(2)	Religious exemption	0	0	0	0	0	2	0	2
29	E.O. disciplinary action	0	0	0	0	0	0	0	0
35(1)	Consent to file certification	0	0	0	0	0	2	1	3
39(1)	Consolidation of certificates	0	0	0	0	0	0	2	2

147(a12)	Refusal to employ - membership	0	0	0	0	0	0	9	13	0	22
147(a3)	Refusal to employ - expulsion	0	0	0	0	0	0	0	0	0	0
147(a456)	Refusal to employ - complaint	0	0	0	0	0	0	2	0	0	2
147(a7)	Refusal to employ - strike	0	0	0	0	0	0	2	1	0	3
147(a8)	Refusal to employ - rights	0	0	0	0	0	0	11	13	0	24
147(b)	Illegal contract term	0	0	0	0	0	0	1	1	0	2
147(c)	Illegal employer intimidation	0	0	0	0	0	0	12	13	0	25
147(d)	Illegal disciplinary action	0	0	0	0	0	0	0	1	0	1
147(e)	Illegal collective bargaining	0	1	0	0	0	0	0	0	0	1
147(f)	Illegal penalty or discharge	0	0	0	0	0	0	0	0	0	0
147(g123)	Illegal employer retaliation	0	0	0	0	0	0	1	1	0	2
149(a)	Force bargain for other's unit	0	0	0	0	0	0	0	1	0	1
149(b)	Bargain another T.U.'s unit	0	1	0	0	0	0	0	0	0	1
149(c)	Union involvement with E.O.	0	0	0	0	0	0	0	0	0	0
149(d)	Illegal workplace organizing	0	1	0	0	0	0	4	11	0	16
149(e)	Encouraging refusal to work	0	1	0	0	0	0	0	0	0	1
149(f)	Union coercion	0	2	0	0	0	0	10	12	0	24
149(g)	Employee termination	0	0	0	0	0	0	0	0	0	0
149(h)	T.U. penalty-rights	0	1	0	0	0	0	0	1	0	2
149(i12)	T.U. penalty working	0	1	0	0	0	0	0	0	0	1
150(1a)	Discriminatory union rules	0	1	0	0	0	0	0	1	0	2
150(1b)	Discriminatory discipline	0	0	0	0	0	0	0	2	1	3
151(1)	Duty of fair representation	2	6	0	0	0	0	2	26	1	37
152(1)	Dispute related misconduct	0	1	0	0	0	0	0	1	0	2
153(1a)	Insurance denial - stoppage	0	0	0	0	0	0	0	0	0	0
153(1b)	Insurance denial - dismissal	0	0	0	0	0	0	0	0	0	0
153(2a)	Denial of insurance benefit	0	0	0	0	0	0	0	0	0	0
153(2b)	Cancellation of insurance	0	0	0	0	0	0	0	0	0	0
153(2c)	Refusal to accept premiums	0	0	0	0	0	0	0	0	0	0

TABLE 10
LABOUR RELATIONS CODE
COMPARATIVE STATISTICAL SUMMARY
for the years ending March 31, 1990-1992

	89/90	90-91	91/92
Certification			
Start of reporting period	19	21	18
Received	253	239	214
Concluded	251	243	221
Outstanding at end of period	21	17	11
Employee Revocation (s. 49(lee))			
Start of reporting period	1	2	2
Received	42	29	38
Concluded	41	29	39
Outstanding at end of period	2	2	1
Employer Revocation (s. 49(ler))			
Start of reporting period	3	6	0
Received	22	11	9
Concluded	19	17	9
Outstanding at end of period	6	0	0
Union Revocation (s. 49(tu))			
Start of reporting period	0	0	0
Received	323	3	2
Concluded	323	3	2
Outstanding at end of period	0	0	0
Determinations			
Start of reporting period	10	48	79
Received	87	193	110
Concluded	49	162	155
Outstanding at end of period	48	79	34
Reconsideration Appeals			
Start of reporting period	1	9	9
Received	34	26	19
Concluded	26	26	24
Outstanding at end of period	9	9	4

Differences			
Start of reporting period	4	2	2
Received	12	9	7
Concluded	14	9	7
Outstanding at end of period	2	2	2
Consents			
Start of reporting period	0	0	0
Received	7	6	7
Concluded	7	6	7
Outstanding at end of period	0	0	0
BR Modifications			
Start of reporting period	12	26	28
Received	71	81	58
Concluded	57	79	71
Outstanding at end of period	26	28	15
Successor Trade Unions			
Start of reporting period	3	3	1
Received	14	10	11
Concluded	14	12	12
Outstanding at end of period	3	1	0
Bad Faith Bargaining			
Start of reporting period	3	4	2
Received	21	23	20
Concluded	20	25	17
Outstanding at end of period	4	2	5
Conducted Votes			
Start of reporting period	0	0	1
Received	9	11	14
Concluded	9	10	15
Outstanding at end of period	0	1	0
Illegal Strike/Picketing			
Start of reporting period	0	2	0
Received	41	29	36
Concluded	39	31	34
Outstanding at end of period	2	0	2

Illegal Lockouts

Start of reporting period	0	1	1
Received	3	6	1
Concluded	2	6	2
Outstanding at end of period	1	1	0

Supervised S/L Votes

Start of reporting period	0	5	3
Received	45	62	90
Concluded	40	64	91
Outstanding at end of period	5	3	2

Speeding up Arbitrations

Start of reporting period	0	1	1
Received	2	2	1
Concluded	1	2	2
Outstanding at end of period	1	1	0

Employer UFLP

Start of reporting period	64	82	15
Received	205	206	202
Concluded	187	273	147
Outstanding at end of period	82	15	70

Trade Union UFLP

Start of reporting period	5	1	3
Received	18	16	45
Concluded	22	14	46
Outstanding at end of period	1	3	2

Employee/TU UFLP

Start of reporting period	1	6	13
Received	18	40	44
Concluded	13	33	42
Outstanding at end of period	6	13	15

Registration Cases

Start of reporting period	9	4	4
Received	19	9	4
Concluded	24	9	5
Outstanding at end of period	4	4	3

Miscellaneous Cases			
Start of reporting period	3	1	1
Received	21	21	17
Concluded	23	21	15
Outstanding at end of period	1	1	3
Police Officers Collective Bargaining Act			
Start of reporting period	0	0	1
Received	0	1	0
Concluded	0	0	0
Outstanding at end of period	0	1	1
LRA/Transition			
Start of reporting period	23	5	11
Received	3	40	4
Concluded	21	34	10
Outstanding at end of period	5	11	5
Start of Reporting Period:	161	229	195
Received	1270	1073	953
Concluded	1202	1108	973
Outstanding at End of Period:	229	194	175

** Note - Certain figures vary slightly from those reported in earlier Annual Reports due to minor changes in posting criteria and error corrections.*

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